IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WA.No. 1605 of 2007

AGAINST THE JUDGEMENT IN WPC.10662/2007 Dated 08/06/2007
.....

APPELLANTS/RESPONDENTS 1 & 2
---

1. THE CALICUT UNIVERSITY, REPRESENTED BY ITS REGISTRAR, CALICUT.

2. THE REGISTRAR, UNIVERSITY OF CALICUT, CALICUT.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.

RESPONDENTS/PETITIONER & RESPONDENTS 3 & 4
---

1. AWH COLLEGE OF EDUCATION, CALICUT P.O., KALAI, CALICUT, REPRESENTED BY ITS CORRESPONDENT, K.P.MOHAMMED.

2. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, (HIGHER EDUCATION), GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. NATIONAL COUNCIL FOR TEACHER EDUCATION, REPRESENTED BY ITS REGIONAL DIRECTOR, SOUTHERN REGIONAL COMMITTEE, IST FLOOR, CSD BUILDING, HMT POST, BANGALORE - 560 031.

R1 BY ADV. SRI.P.RAVINDRAN
R2 BY SR.GOVERNMENT PLEADER SMT.MEERA
R3 BY STANDING COUNSEL MR.V.M.KURIAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1605 of 2007

Dated, this the 10th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Though the matter is posted for admission, by consent of learned counsel appearing for the parties to the lis, the matter is taken up for final hearing, since the issue involved in this writ appeal lies in a very narrow compass.

2. The appellant University questions before us the correctness or otherwise of the orders passed by the learned Single Judge in W.P. (C) No.10662 of 2007 dated 8th June, 2007. By the impugned order, the learned Single Judge has directed the petitioner college to cure the defects mentioned in Ext.P7 and further, has directed the college to inform the University that they have cured all the defects pointed out in Ext.P7 (report of the inspection team). The Court has further ordered that the University thereafter would consider the request of the college for affiliation. If for any reason the Syndicate is not in session, the Court has directed the Vice Chancellor of the University to exercise his powers under Section 10(13) of the Calicut University Act and to take a decision.

3. Much was said about the orders passed by the learned Single Judge by both the learned counsel. We are not interested in commenting on the submissions made by both the learned counsel. In

our opinion, in the interest of both the parties to this litigation, if we direct the petitioner college to comply with the defects pointed by the Expert Inspection Committee and thereafter intimate to the University that they have complied with the requirements mentioned in Ext.P7 and further if we direct the Expert Inspection Committee to inspect the college once over again and then submit an appropriate report before the Syndicate of the University to take a decision on the request of the petitioner for affiliation of M.Ed. Course of the University, no prejudice will be caused to anyone of the parties.

4. Therefore, without going into the other details of the writ appeal, the same is disposed of as under:

(i) Certain remarks made by the learned Single Judge about the performance of the University while disposing of the writ petition are expunged from the judgment.

(ii) The petitioner is now directed to cure the defects pointed out by the Expert Inspection Committee in Ext.P7 within one week from today and thereafter intimate the same to the University.

(iii) After receipt of such intimation from the college, the Expert Inspection Committee of the University will visit the college once over again within a week from the date of such intimation and if they are satisfied that the petitioner's college has cured all the defects pointed out in Ext.P7, submit a report to the Syndicate within a week from the date of inspection.

(iv) After receipt of such a report from the Expert Inspection Committee, the Syndicate of the University is directed to

consider the same and pass appropriate orders in accordance with law as early as possible.

(v) All the other contentions of both the parties are left open.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns/dk